

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DEWEY R. BOZELLA,

10 CIV 4917 (CS) (GAY)

Plaintiff,

v.

THE COUNTY OF DUTCHESS AND
WILLIAM J. O'NEILL,

Defendants.
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#
DATE FILED: 2/21/13

[PROPOSED] STIPULATION AND ORDER

IT IS HEREBY STIPULATED, by and among undersigned counsel and ORDERED by the Court pursuant to Federal Rules of Civil Procedure 29 and 35, that:

1. Andrew P. Levin, M.D. may conduct a psychiatric examination of the Plaintiff, Dewey R. Bozella, on February 22, 2013 at 141 North Central Avenue, Hartsdale, New York 10530 commencing at 10:00 am. The manner and scope of the examination will consist of conducting an interview of the Plaintiff that will not exceed 6 hours in duration. In addition, Dr. Levin shall permit Plaintiff a lunch break of up to one hour and other reasonable breaks of at least one every 90 minutes.

2. Plaintiff shall cooperate in the interview and, unless the question calls for disclosure of communications protected by the attorney-client privilege, answer all questions regarding his personal, medical, psychological, emotional, criminal, occupational and educational history and his incarceration for the murder of Emma Crapser that Dr. Levin submits to him for the purpose of conducting the examination and rendering an opinion regarding Mr. Bozella's claimed injuries and damages asserted in the captioned action.


3. Dr. Levin shall not contact counsel for the Defendants, the Defendants, or any employee, former employee, or agent of defense counsel or the Defendants during the course of the examination.

4. Plaintiff shall not contact Plaintiff's counsel or any employee, former employee, or agent of Plaintiff's counsel during the course of the examination, except that if Plaintiff in good faith believes that answering a question would require disclosing communications protected by the attorney-client privilege, Plaintiff shall be permitted to contact Plaintiff's counsel to seek legal advice regarding that issue.

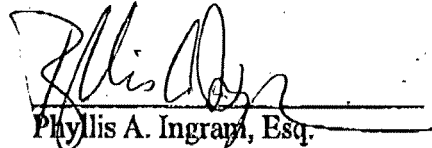
5. The examination shall not be recorded by video, stenographer, or any other means, except that Dr. Levin shall be permitted to take notes.

6. The cost of the examination shall be borne by the Defendants.

Dated: February 20, 2013

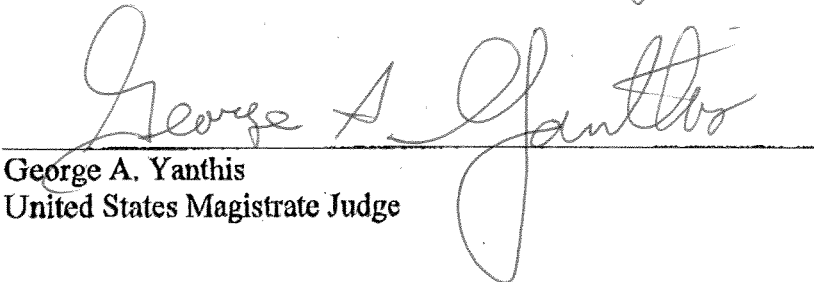


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Phyllis A. Ingram, Esq.
Burke, Miele & Golden, LLP
40 Matthews Street, Suite 209
P.O. Box 216
Goshen, New York 10924

ORDERED this 20th day of February, 2013



George A. Yanthis
United States Magistrate Judge

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ROCKLAND COUNTY OFFICE:

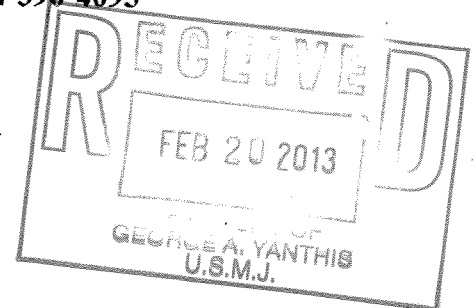
499 ROUTE 304
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February 20, 2013

Via Fax - 914-390-4095

Honorable George A. Yanthis
United States District Court
for the Southern District of New York
Hon. Charles L. Briant Jr. Federal Building
and U.S. States Courthouse
Room 421
300 Quarropas Street
White Plains, NY 10601-4150

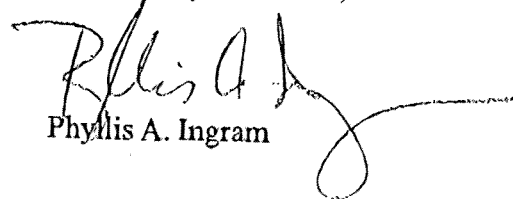


Re: Bozella v. County of Dutchess, et al., No. 10 Civ. 4917 (CS)

Dear Judge Yanthis,

Enclosed please find a [Proposed] Joint Stipulation and Order pursuant to Federal Rules of Civil Procedure 29 and 35 executed by counsel for the parties herein and to be So Ordered upon Your Honor's review and approval.

Respectfully submitted,


Phyllis A. Ingram

PAI:vc

Enc.

cc: Patrick T. Burke, Esq.
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